

**CONDITION FOR APPROVAL FORM  
(TO ACCOMPANY LEGISLATION)**

COMMITTEE: TRANSPORTATION

DATE: 7/26/7

ORDINANCE # \_\_\_\_\_ RESOLUTION # 07-R-1949

REQUESTED BY: (Moore) Committee

DIRECTED TO: Aviation

**NATURE OF CONDITION FOR APPROVAL:**

Provide information on fee rate + the nature of  
fee charges

**WHEN IS THIS INFORMATION DUE, AND TO WHOM?**

Moore + Committee

**WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?**

YES ( ) NO (  )

**WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?**

YES ( ) NO ( )

**HAS THIS INFORMATION BEEN RECEIVED? YES ( ) NO ( )**

DATE OF RECEIPT: \_\_\_\_\_

**A RESOLUTION  
BY TRANSPORTATION COMMITTEE**

**07-*R*-1949**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
AN AIRPORT USE LICENSE AGREEMENT WITH KITTY  
HAWK AIRCARGO, INC. FOR OPERATIONS AT  
HARTSFIELD-JACKSON ATLANTA INTERNATIONAL  
AIRPORT; AND FOR OTHER PURPOSES.**

**WHEREAS**, Kitty Hawk Aircargo, Inc. (“Kitty Hawk”) desires to provide cargo service from Hartsfield-Jackson Atlanta International Airport (“Airport”); and

**WHEREAS**, in furtherance of its plan to operate such flights, Kitty Hawk desires to enter into an Airport Use License Agreement with the City of Atlanta (“City”) as a domestic carrier serving the Airport; and

**WHEREAS**, the Aviation General Manager believes that it is in the best interest of the Airport and the City to enter into an Airport Use License Agreement with Kitty Hawk, as hereinafter set forth, and recommends the execution of such an Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor is hereby authorized to execute on behalf of the City of Atlanta an appropriate Airport Use License Agreement with Kitty Hawk which shall contain the following terms, conditions, and provisions:

- 1) a term effective as of December 1, 2007 and ending September 20, 2010; provided that either party may terminate the agreement by giving at least 30 days prior written notice to the other party; and
- 2) a landing fee to be computed at the then current landing fee rate, which rate will be applied per 1,000 pounds of the FAA Maximum Certificated Gross Landing Weight of each aircraft scheduled to land at the Airport. The landing fee rate shall be subject to adjustment from time to time at the discretion of the Aviation General Manager. Such adjustments shall be consistent with landing fee rates charged to similarly classified airlines at the Airport; and
- 3) such other terms, conditions, and provisions as may be required by City ordinances or Federal regulations or which are otherwise deemed appropriate by the Aviation General Manager.

**BE IT FURTHER RESOLVED** that the City Attorney be and hereby is directed to prepare said Agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED** that said Agreement shall not become binding upon the City of Atlanta, and the City of Atlanta shall incur no obligation nor liability thereunder until the same has been approved as to form by the City Attorney, signed by the Mayor, attested to by the Municipal Clerk and delivered to Kitty Hawk.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

<p><b>A. To be completed by Legislative Counsel:</b></p> <p><b>Committee of Purview:</b></p> <p><b>Caption:</b></p> <p><b>Council Meeting Date:</b></p> <p><b>Requesting Dept.:</b></p> <p><b>FAC Confirmed by:</b></p>
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**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

***Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.***

The purpose of this legislation is to authorize the execution of an Airport Use License Agreement with Kitty Hawk. The agreement will establish the conditions under which Kitty Hawk will operate at the airport.

**2. Please provide background information regarding this legislation.**

***Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.***

The commencement of operations out of ATL by another carrier is in the best interest of the airport, the City and the region.

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract: through 9/20/2010

4. Fund Account Center (*Ex. Name and number*):

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: None

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery: Landing fees

*Examples:*

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Bill Murphy

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 9/10/07

Anticipated Committee Meeting Date(s): 9/26/07

Anticipated Full Council Date: 10/01/07

Commissioner Signature: *Maudslayi*

**CAPTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AIRPORT USE LICENSE AGREEMENT WITH KITTY HAWK AIRCARGO, INC. FOR OPERATIONS AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ (date)      Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 9.10.07 *DP* (date)      Reviewed by: *[Signature]* (date)

Submitted to Council: 9/13/07 (date)